

Applicant : DeAngelo, Michael
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Attorney's Docket No.: 17776-002US1

REMARKS

Claims 1-7, 9, 10, 14-19, and 37 were presented for examination. In a final office action mailed November 2, 2004, Examiner objected to the specification, and rejected claims 1-7, 9, 10, 14-19, and 37 under 35 U.S.C. § 102(e). On January 29, 2004, Examiner granted a telephone interview with Applicant's attorney.

In response, the specification is amended. Claims 1, 10 and 37 are amended. Claims 38 and 39 are added without introducing any new matter. Claims 9 and 14 are cancelled. Applicant thanks Examiner for examination and the subsequent interview, and now requests reconsideration of claims 1-7, 10, 15-19, and 37-39 in light of the following remarks.

I. Summary of the Interview

During the interview, Applicant argued that Chiussi fails to disclose containers configured for interactions with other containers as recited in independent claim 1 as an example. Furthermore, Applicant argued that Chiussi fails to disclose an active time register, a passive time register and/or a neutral time register as disclosed in dependent claim 9. While failing to reach agreement with respect to claim 1, Examiner agreed to reconsider claim 9 and other claims based on a formal communication.

II. Objection to the Specification

The specification was objected to because, according to the final action, the application did not contain an abstract of the disclosure. Applicant has amended the specification to include a new abstract. Applicant has also included the abstract a separate sheet. Therefore, Applicant respectfully submits that the specification should no longer be objected to.

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III. Rejections under § 102(e)

Claims 1-7, 9, 10, 14-19, and 37 were rejected under § 102(e) as being anticipated by U.S. Patent No. 6,075,791 issued to Chiussi et al. ("Chiussi"). Applicant respectfully traverses the rejections as follows.

A. Claim 1

Claim 1 has been amended to include the limitations of claim 9, and is directed to an apparatus including a plurality of containers. Claim 1 further recites that each container comprises an active time register, a passive time register, and a neutral time register. Since the limitations are identical to a previously submitted claim, Applicant submits that no further searching is necessary.

Chiussi discloses a server 100 which services a plurality of queues having guaranteed data transfer rates and data transfer delays. (Abstract). A queue contains a connection identifier register 30-i, and a time stamp register 50-i. (col. 4, ln. 67-col. 5, ln. 5). The server 100 generates a new timestamp when a new packet reaches the head of a queue. (Col. 5, ll. 20-22)

However, Chiussi does not teach or suggest limitations recited in claim 1. Specifically, while the "active time register" of claim 1 identifies "times at which the container will act" (i.e., "upon other containers, processes, systems, or gateways"), the queue of Chiussi merely logs a time that a new packet reached the head of queue. Similarly, the "passive time register" of claim 1 identifies "times at which the container can be acted upon", and the "neutral time register" identifies "times at which the container may interact," neither of which are disclosed by Chiussi. Moreover, while claim 1 recites containers having a "second register...governing interactions with other containers," the queues of Chiussi are unable to interact with other queues because they have no awareness of other queues. Nor does Chiussi disclose any specific time parameters for such interaction. Thus, Chiussi fails to disclose the active time register, the passive time register, the neutral time register, or the second register as recited in claim 1.

Because Chiussi does not disclose every limitation of claim 1, Applicant respectfully submits that claim 1 is patentable over Chiussi.

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B. Claim 37

Claim 37 has been amended to include the limitations of claim 14, and is directed to an apparatus including a plurality of containers. Claim 37 further recites that each container comprises an active space register, a passive space register, and a neutral space register. Since the limitations are identical to a previously submitted claim, Applicant submits that no further searching is necessary.

Examiner relies on the same disclosure for claim 37 as discussed above with respect to claim 1.

However, Chiussi does not teach or suggest limitations recited in claim 37. Specifically, the cited portions of Chiussi, in disclosing merely a connection identification register and a timestamp register, do not disclose a "second register designating space and governing interactions of the container with other containers" as recited in claim 37. Similarly, Chiussi does not specifically disclose an "active space register" to identify a "space in which the container will act upon, a "passive space register" to identify a "space in which the container can be acted upon," nor the "neutral space register" to identify a "space in which the container may interact." Also, while claim 37 recites a "second register...governing interactions of the container with other containers," the queues of Chiussi are unable to interact with other queues as discussed. Thus, Chiussi fails to disclose the active space register, the space time register, the neutral space register, or the second register as recited in claim 37.

Because Chiussi does not disclose every limitation of claim 37, , Applicant respectfully submits that claim 37 is patentable over Chiussi.

C. Claim 38

New claim 38 includes the limitations of previously presented claims 1 and 10, and is directed to an apparatus including a plurality of containers. Claim 38 further recites that each container comprises at least one acquire register. Because the limitations are identical to a previously submitted claim, Applicant submits that no further searching is necessary.

During the course of the interview, Examiner indicated that Chiussi discloses a server 100 that increments the content of register 115, that increments the content of queue length

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register 60-i, that mathematically or logically adds the content of rate register 40-i to the content of register 110, and that adds the product of the contents of timestamp register 50-i and rate register 40-i to the content of register 123. (Col. 8, ll. 3-24).

However, Chiussi does not teach or suggest limitations recited in claim 38. Specifically, the containers of claim 38 include an "acquire register" that can "control[] whether the container adds a register from other containers or adds a container from other containers." Thus, the container of claim 38 can acquire the register itself from another container rather than merely mathematically adding (or logically adding) the contents of two registers together as disclosed in Chiussi. Moreover, whereas the container of claim 38 can condition "whether" a register or container is added to the container the queues of Chiussi present no conditions since the centrally-controlled queues are unaware that other queues exist. Nor does the server of Chiussi assist in the acquisition of a register of one queue by another queue. As such, the queues of Chiussi are not able to add registers directly from other queues. Nor are the queues able to add another queue. Moreover, the purpose of Chiussi, for sharing communication access between queues as designated by the server, would be foreclosed by adding one queue to another queue. Thus, Chiussi fails to disclose the acquire register as recited in claim 38.

Because Chiussi does not disclose every limitation of claim 38, Applicant respectfully submits that claim 38 is patentable over Chiussi.

D. Claim 39

New claim 39 includes the limitations of previously presented claims 37 and 10, and is directed to an apparatus including a plurality of containers. Claim 39 further recites that each container comprises at least one acquire register. Since the limitations are identical to a previously submitted claim, Applicant submits that no further searching is necessary.

Examiner relies on the same disclosure for claim 39 as discussed above with respect to claim 1.

However, Chiussi does not teach or suggest limitations recited in claim 39 for at least the same reasons as discussed above with respect to claim 39. Also, as discussed with respect to

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claim 37, Chiussi fails to disclose a register designating space. Thus, Chiussi fails to disclose the acquire register as recited in claim 38.

Because Chiussi does not disclose every limitation of claim 39, Applicant respectfully submits that claim 39 is patentable over Chiussi.

E. Dependent Claims

Because claims 2-7, 10, and 15-19 depend from patentable base claims, these claims are patentable for at least the same reasons.

Please apply \$200 for excess claim fees, and any other charges or credits, to deposit account 06-1050.

Respectfully submitted,

Date: _____

1/3/05

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